

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE:)	03-10383/Chapter 12 Proceeding
)	
ROBERT L. HERRON and)	APPLICATION FOR FEE
DONNA L. HERRON d/b/a)	
Piney Hill Dairy,)	
)	
Debtors.)	

The undersigned attorney for captioned applies for a fee in this matter and says as follows:

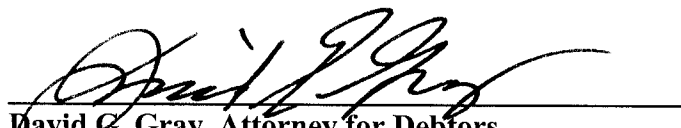
1. The debtors filed a voluntary Chapter 12 proceeding before this Court on April 3, 2003 and by order entered thereafter, the debtors were authorized to employ David G. Gray for representation in said proceeding.

2. Attached to this application (and available to any party upon written request of the undersigned) is itemization of time expended and expenses incurred between February 26, 2003 and February 2, 2004 which shows that the undersigned expended 27.15 hours and incurred costs of \$71.00. All time expended was for the benefit of the estate of the debtors and their creditors.

3. The attorney believes that the normal charge in the community of the Western District of North Carolina for this type service is at least an average of \$295.00 per hour and can produce testimony or affidavits of other attorneys practicing before this Court to substantiate this allegation. The undersigned believes that \$295.00 is a reasonable charge for his services to the estate of the debtors.

THEREFORE, the undersigned applies to the Court for an order allowing a fee as an administrative expense of the Chapter 12 proceeding for services rendered between February 26, 2003 and February 2, 2004 in an amount up to but no more than \$8,009.25 plus cost reimbursement of \$71.00 for total of \$8,080.25 and for other appropriate relief.

This the 5th day of February, 2004.



David G. Gray, Attorney for Debtors
N. C. State Bar No. 1733

WESTALL, GRAY, CONNOLLY & DAVIS, P.A.
81 Central Avenue, Asheville, North Carolina 28801
Tel: (828) 254-6315/Fax: (828) 255-0305

WESTALL, GRAY, CONNOLLY & DAVIS, PA
David G. Gray, Attorney
81 Central Avenue
Asheville, NC 28801

Invoice submitted to:
Robert & Donna Herron
444 Lower Brush Creek Road
Fletcher NC 28732

February 04, 2004

Invoice #10522

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
2/26/2003 Initial Chapter 12 conference	1.50 295.00/hr	442.50
3/13/2003 Follow-up conference; preparation of worksheets for Chapter 12 filing	1.00 295.00/hr	295.00
4/3/2003 Finalizing Chapter 12 petition for filing; preparation of motion to secure fees/costs	2.00 295.00/hr	590.00
Telephone call - Donna Herron re filing confirmation	0.10 295.00/hr	29.50
4/22/2003 Court - motion to secure fees w/deed of trust	0.50 295.00/hr	147.50
4/24/2003 Prepare order allowing fees/costs to be secured by deed of trust	0.50 295.00/hr	147.50
4/28/2003 Prepare order allowing securing of fees	0.25 295.00/hr	73.75
5/9/2003 Telephone call - Donna Herron re sale of property	0.25 295.00/hr	73.75
5/12/2003 Prepare motion to sell Sharon Road property	1.00 295.00/hr	295.00
5/14/2003 Section 341(a) meeting	0.75 295.00/hr	221.25

Robert & Donna Herron

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
5/22/2003 Telephone call - Rudow	0.10 295.00/hr	29.50
5/23/2003 Voice mail call to Rudow	0.10 295.00/hr	29.50
6/3/2003 Telephone calls - Herrons re sale of property and response of Farm Credit	0.20 295.00/hr	59.00
6/6/2003 Telephone call - Jeff McNeely re judgment	0.25 295.00/hr	73.75
6/18/2003 Court - motion to sell; approved	0.25 295.00/hr	73.75
6/27/2003 Conference with Herrons for preparation of Chapter 12 plan	1.75 295.00/hr	516.25
7/1/2003 Final revisions/additions to Chapter 12 plan; call to Herrons for time to review/sign	0.75 295.00/hr	221.25
Conference with Herrons re plan	0.25 295.00/hr	73.75
7/3/2003 Deed of Trust to secure fees to Register of Deeds for recordation	0.25 295.00/hr	73.75
7/9/2003 Telephone call - Donna Herron re CFC letter	0.10 295.00/hr	29.50
7/15/2003 Final review of amendment to exemptions; to Herrons for verifications	0.10 295.00/hr	29.50
7/25/2003 Voice mail - Marc Rudow	0.10 295.00/hr	29.50
Fax information to Stephen Barnwell re sale to Nesbitt	0.20 295.00/hr	59.00
8/6/2003 Review of plan; make revisions per conference with Trustee	1.00 295.00/hr	295.00
8/8/2003 Telephone call - Mark Pinkston	0.10 295.00/hr	29.50
Telephone calls - Herrons and Barnwell re status of Nesbitt closing	0.25 295.00/hr	73.75
8/11/2003 Telephone call - Donna Herron re language on amended plan	0.25 295.00/hr	73.75

Robert & Donna Herron

Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
8/11/2003 Revisions to amended plan	0.25 295.00/hr	73.75
8/18/2003 Telephone call - Dan Bruton	0.20 295.00/hr	59.00
8/20/2003 Herron - confirmation hearing bankruptcy court cont. 9/17	0.10 295.00/hr	29.50
9/15/2003 call w/donna re: hearing and chapter 12 plan	0.20 295.00/hr	59.00
9/16/2003 call w/dan bruton re: hearing on 9/17 resolution; call w/mark rudow re: hearing 9/17 continued	0.40 295.00/hr	118.00
9/17/2003 bankruptcy court; continued to 10/22/03	0.10 295.00/hr	29.50
10/7/2003 call to Marc Rudow	0.10 295.00/hr	29.50
10/8/2003 call to Mark Pinkston	0.10 295.00/hr	29.50
changes to Chapter 12 plan	0.25 295.00/hr	73.75
10/10/2003 letter to Robert & Donna re: taxes	0.20 295.00/hr	59.00
prepared 2nd amended Chapter 12 Plan for approval	1.50 295.00/hr	442.50
10/13/2003 call with Herron re: redraft of Chapter 12 plan per Bruton's letter	0.50 295.00/hr	147.50
10/14/2003 call to Mark Pinkston	0.10 295.00/hr	29.50
10/15/2003 call to Robert Herron (.1); fax copy of Chapter 12 plan to Pinkston & Rudow (.2)	0.30 295.00/hr	88.50
10/20/2003 office conference with Mark Rudow re: revised Chapter 12 Plan	0.50 295.00/hr	147.50
call to Mark Rudow	0.10 295.00/hr	29.50
10/21/2003 call with Dan Bruton re: CFC position	0.25 295.00/hr	73.75

Robert & Donna Herron

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
10/21/2003 call with Dan Bruton	0.25 295.00/hr	73.75
call to Marc Rudow re: court	0.10 295.00/hr	29.50
call with Mark Pinkerton re: confirmation plan	0.25 295.00/hr	73.75
10/22/2003 confirmation hearing - continued to 11/19/2003	0.10 295.00/hr	29.50
11/18/2003 Telephone call - Dan Bruton	0.10 295.00/hr	29.50
Telephone call - Pinkston re court	0.10 295.00/hr	29.50
Telephone call - Donna Herron re hearing	0.25 295.00/hr	73.75
11/19/2003 Hearing - confirmation of plan	1.50 295.00/hr	442.50
12/9/2003 Telephone call - Pinkston	0.10 295.00/hr	29.50
Revisions to Chapter 12 Plan	1.00 295.00/hr	295.00
12/12/2003 Telephone call - Donna Herron re plan and payments (.25); revisions to plan and circulate (.5)	0.75 295.00/hr	221.25
Fax & e-mail - Bryton; response	0.40 295.00/hr	118.00
12/17/2003 Court - plan confirmation hearing	1.00 295.00/hr	295.00
Initial draft of confirmation order	0.10 295.00/hr	29.50
12/18/2003 Draft of confirmation order and confirmed plan	1.00 295.00/hr	295.00
12/30/2003 Receipt of plan comments from Pinkston	0.10 295.00/hr	29.50
1/16/2004 Telephone call - Donna Herron re Biltmore Oil claim	0.10 295.00/hr	29.50

Robert & Donna Herron

Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
1/23/2004 Revisions to plan/confirmation order	0.25 295.00/hr	73.75
1/26/2004 Finalize confirmation order	0.25 295.00/hr	73.75
1/28/2004 Telephone call - Donna Herron re plan; judgments	0.20 295.00/hr	59.00
2/2/2004 Finalize confirmation order and submit for entry	0.25 295.00/hr	73.75
For professional services rendered	27.15	\$8,009.25
Additional Charges :		
7/24/2003 Costs involved in recording deed of trust to secure fees		71.00
Total costs		\$71.00
Total amount of this bill		\$8,080.25
Balance due		\$8,080.25

STATE OF NORTH CAROLINA

AFFIDAVIT AS TO ITEMIZATION OF HOURS

COUNTY OF BUNCOMBE

The undersigned, being first duly sworn, deposes and says that he has read the foregoing itemization and such are true and correct hours expended and costs incurred by him between February 26, 2003 and February 2, 2004 in the Chapter 12 proceeding of Robert & Donna Herron, Case No. 03-10383

This the 5th day of February, 2004.


David G. Gray

SUBSCRIBED AND SWORN TO before me this 5th day of February, 2004.


Notary Public

My Commission Expires: April 2, 2008

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**


IN RE:)	03-10383/Chapter 12 Proceeding
)	
ROBERT L. HERRON and)	NOTICE OF OPPORTUNITY
DONNA L. HERRON d/b/a)	FOR HEARING
Piney Hill Dairy,)	
)	
Debtors.)	

TAKE NOTICE that fee application has been filed by attorney for the debtors; a copy of the application accompanies this notice.

TAKE FURTHER NOTICE that any response, including objection, to the relief requested in the attached application must be filed in writing with the Clerk of the Bankruptcy Court (100 Otis Street, Asheville NC 28801) within 20 days of the date of this Notice and a copy served on the attorney identified below and upon other parties as required by law or Court order. Any response shall clearly identify the specific application to which the response is directed, and it shall comply fully with Local Bankruptcy Rule 7.

TAKE FURTHER NOTICE that no hearing will be held on the application unless a written response is timely filed and served, in which case the Court will conduct a hearing on March 17, 2004 at 9:30 a.m. or thereafter as called for hearing before the Bankruptcy Judge Presiding in the first floor courtroom of the United States Courthouse, 100 Otis Street, Asheville, North Carolina. No further notice of this hearing will be given.

This the 5th day of February, 2004.



David G. Gray, Attorney for Debtors
N. C. State Bar No. 1733

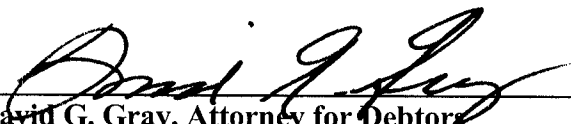
WESTALL, GRAY, CONNOLLY & DAVIS, P.A.
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Asheville, North Carolina 28801
Tel: (828) 254-6315
Fax: (828) 255-0305

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE:)	03-10383/Chapter 12
)	
ROBERT L. HERRON and)	CERTIFICATE OF SERVICE
DONNA L. HERRON d/b/a)	
Piney Hill Dairy,)	
)	
Debtors.)	

The undersigned certifies that copy of Notice and Application for Fee has this day been served upon each party listed on the attached mailing matrix, said service being by first class mail in a properly addressed envelope with adequate postage affixed.

This the 5th day of February, 2004.



David G. Gray, Attorney for Debtors
N. C. State Bar No. 1733

WESTALL, GRAY, CONNOLLY & DAVIS, P.A.
81 Central Avenue
Asheville, North Carolina 28801
Tel: (828) 254-6315
Fax: (828) 255-0305

<p>Alderwoods Group c/o Creditors Bankruptcy Service P.O. Box 740933 Dallas, TX 75374</p>	<p>Case 03-10383 Doc 42 Filed 02/05/04 Entered 02/05/04 10:43:35 Desc Main Document Page 10 of 10 P.O. Box 740933 Dallas, TX 75374</p>	<p>191 Amboy Road Asheville NC 28806</p>
<p>Daniel C. Bruton BELL, DAVIS & PITT, P.A. Post Office Box 21029 Winston-Salem, NC 27120-1029</p>	<p>Buncombe Co. Tax Collector Buncombe Co. Courthouse 60 Court Plaza Asheville NC 28801</p>	<p>Carolina Farm Credit, ACA Attn: Bobby Goodin P.O. Box 1827 Statesville, NC 28687</p>
<p>Crystal Farms Mills, Inc. c/o Frank B. Jackson, Atty PO Box 1666 Hendersonville NC 28793</p>	<p>Crystal Farms Mills, Inc. Post Office Box 7101 Chestnut Mountain, Georgia 30502</p>	<p>Deal Rite Feeds, Inc. 109 Anna Drive Statesville NC 28625</p>
<p>Internal Revenue Service INSOLVENCY III 320 Federal Place, Room 327 Greensboro, NC 27401</p>	<p>Fender's Dairy Equipment, Inc. 10 Brookview Drive Candler NC 28715</p>	<p>Fletcher Feed PO Box 96 Fletcher NC 28732</p>
<p>Furst-McNess Company % Christopher Small, Atty 1078 W. Fourth Street Winston-Salem NC 27101</p>	<p>G & M Milling Company 4000 Taylorsville Hwy. Statesville NC 28625</p>	<p>Robert & Donna Herron 444 Lower Brush Creek Rd Fletcher NC 28732</p>
<p>Mark A. Pinkston P.O. Box 7376 Asheville, NC 28802</p>	<p>Roberts & Stevens P.A. P. O. Box 7647 Asheville, NC 28802</p>	<p>Southeast Select Sires 3789 Old Port Royal Road Spring Hill TN 37174</p>
<p>Spartan Grain % Purina Mills PO Box 248 Camp Hill PA 17011</p>	<p>U. S. Cellular-Tn. 7525 Mitchell Road Minneapolis MN 55344</p>	<p>WNC Vet 309 Long Shoals Road Arden NC 28704</p>
<p>William Funeral Services 856 Tunnel Road Asheville NC 28805</p>		